

REMARKS

Claims 1-4, 6-25 and 27-31 are pending in this application. By this Amendment, claims 1, 6, 8-9, 13 and 17-18 are amended, claim 5 is canceled without prejudice or disclaimer and new claims 30-31 are added. Various amendments are made for clarity and are unrelated to issues of patentability.

The Office Action rejects claims 1-17, 19-25 and 27-29 under 35 U.S.C. §103(a) over U.S. Patent 6,317,609 to Alperovich et al. (hereafter Alperovich) in view of newly-cited U.S. Patent 5,761,195 to Lu et al. (hereafter Lu) and newly-cited U.S. Patent 7,058,076 to Jiang. The Office Action also rejects claim 18 under 35 U.S.C. §103(a) over Alperovich, Lu, Jiang and U.S. Patent 6,493,553 to Rollender. The rejections are respectfully traversed with respect to the pending claims.

Independent claim 1 recites setting up a control path between an origination base station controller (BSC), a termination BSC and a mobile switching center (MSC) controlling the origination and termination BSCs when a call is set up between an origination side mobile station and a termination side mobile station. Independent claim 1 also recites transferring bearer information between the origination BSC and the termination BSC through the set up control path, wherein transferring bearer information comprises sending a request from the origination BSC to the MSC along the control path for Connection Management service carrying required information, for setting up a radio link with the origination side mobile station upon reception of a call set up message from the origination side mobile station, sending a request from the MSC to the termination BSC along the control path for a termination number for a call, to set up a

radio link between the termination BSC and the termination side mobile station, and transferring bearer information of the termination BSC to the origination BSC along the control path, and transferring a response to the bearer information from the origination BSC to the termination BSC along the control paths, to form the bearer path. Independent claim 1 also recites setting up a bearer path between the origination BSC and the termination BSC by using the bearer information transferred along the control path, and transferring real time video data of at least one of the origination side mobile station and the termination side mobile station between the origination BSC and the termination BSC through the set up bearer path without using traffic resources of the MSC.

The applied references do not teach or suggest at least these features of independent claim 1. More specifically, the Office Action states that Alperovich teaches transferring barrier information through a set-up control path. Furthermore, the Office Action (on page 5) states that Alperovich's col. 5, lines 30-42 teaches features of previous dependent claim 5. Applicant respectfully disagrees. That is, the Office Action appears to state that Alperovich's path through the Internet 230 corresponds to the claimed control path. However, the Office Action then references Alperovich's col. 5, lines 30-42 for features relating to sending a request along the control path, transferring bearer information along the control path and transferring a response to the bearer information to form the bearer path. However, the cited section of Alperovich does not teach these features along the control path (i.e., allegedly the Internet 230). As one example, Alperovich does not teach or suggest transferring bearer information of the termination BSC to the origination BSC along the control path, and transferring a response to

the bearer information from the origination BSC to the termination BSC along the control path, to form the bearer path. Accordingly, Alperovich does not teach or suggest these features of independent claim 1.

Furthermore, the Office Action states that Alperovich does not teach the claimed setting up a control path and setting up a bearer path. The Office Action then appears to rely on Lu's FIG. 2A and col. 6, lines 22-26 for these features. However, the cited sections merely show that MSC 324 is in control of BSS unit 344 and 346 and that BSS 344 and BSS 346 may be coupled via a link 362. See col. 7, lines 18-19. The Office Action then states that this teaches allowing mobile stations to communicate between each other using a link. However, this does not suggest the missing features of independent claim 1. More specifically, this does not teach or suggest setting up a bearer path between the origination BSC and the termination BSC by using the bearer information transferred along the control path. Lu has not suggestion for bearer information transferred along the control path. The Office Action appears to make a modification of Alperovich based on Lu. However, there is no suggestion that Alperovich may be modified to include a direct connection between BSS 344 and 346 and to still include an operable system. Therefore, the combination is improper as there is not apparent suggestion of how Alperovich may be modified based on Lu. Furthermore, the combination does not teach or suggest the features of claim 1 missing from Alperovich.

The Office Action (on pages 3-4) further states that Alperovich and Lu do not teach or suggest the transfer of video without using traffic resources of the MSC. The Office Action then cites Jiang's col. 5, line 22-col. 6, line 25 for the missing features. However, this merely relates to

a WINN network that communicates between packet endpoints without use of an MSC. There is no suggestion how Jiang may be incorporated into Alperovich and Lu and so as to include an operable system. In other words, Jiang may not be simply combined into Alperovich's architecture. The combination with Jiang is improper and without any proper basis.

For at least the reasons set forth above, there is no suggestion or motivation in the prior art to combine Alperovich, Lu and Jiang. Rather, the Office Action clearly relies on impermissible hindsight in order to make the combination. Additionally, even if combined, the combination still does not teach or suggest all the features of independent claim 1. Thus, independent claim 1 defines patentable subject matter.

Independent claim 21 recites setting up a call between an origination side mobile station and a termination side mobile station, transferring bearer information along control paths between an origination base station controller (BSC) and a termination BSC through the set up call to set up a bearer path between the origination and termination BSC, portions of the control paths being different than the bearer path. Independent claim 21 also recites transferring real time video data of at least one of the origination side mobile station and the termination side mobile station between the origination BSC and the termination BSC through the set up bearer path. Independent claim 21 also recites that transferring the bearer information comprises sending a request from the origination BSC to a mobile switching center (MSC) along one of the control paths for Connection Management service carrying required information, for setting up a radio link with the origination side mobile station upon reception of a call set up message from the origination side mobile station, sending a request from the MSC to the termination BSC

Reply to Office Action dated April 4, 2007

along one of the control paths for the termination number for a call, to set up a radio link between the termination BSC and the termination side mobile station, and transferring bearer information of the termination BSC to the origination BSC along the control paths, and transferring a response to the bearer information from the origination BSC to the termination BSC, to form the bearer path.

For at least similar reasons as set forth above, the applied references do not teach or suggest all the features of independent claim 21. Thus, independent claim 21 defines patentable subject matter.

Additionally, independent claim 14 recites a mobile communication system that includes an origination BSC, a termination BSC, an MSC and a router. Independent claim 14 also recites that bearer information to set up the bearer path is transferred between the origination BSC and the termination BSC through control paths between the origination BSC, the termination BSC and the MSC, the control paths being different than the bearer path, and wherein real time video data of at least one of the origination device and the termination device is transferred between the origination BSC and the termination BSC through the formed direct bearer channel without using traffic resources of the MSC.

The Office Action appears to reject these features based on the combination of Alperovich, Lu and Jiang. The Office Action also states that Alperovich and Lu do not teach a transfer of video without using traffic resources of the MSC. The Office Action then cites Jiang as teaching that two mobile users may talk without going through a MSC. However, there is no suggestion of how Jiang may be incorporated into Alperovich's system which clearly uses an

MSC. Furthermore, independent claim 14 specifically recites an MSC and therefore there is no suggestion in any of the references for real time video data being transferred between original BSC and the termination BSC through the formed direct bearer channel without using traffic resources of the MSC in combination with the other features of independent claim 14. The Office Action clearly relies on impermissible hindsight in order to suggest the modification based on Jiang. Additionally, the combination with Jiang teaches away from the claimed features that specifically relate to a MSC. For at least these reasons, the applied references do not teach or suggest all the features of independent claim 14. Thus, independent claim 14 defines patentable subject matter.

Still further, independent claim 20 recites a mobile communication system that includes origination and termination mobile stations, at least one first BTS, an origination BSC, at least one second BTS, a termination BSC, a MSC, a home location register, and a router.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 20. Thus, independent claim 20 defines patentable subject matter.

Accordingly, each of independent claims 1, 14, 20 and 21 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

Serial No. **09/960,359**
Reply to Office Action dated April 4, 2007

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CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-25 and 27-31 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,



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